

### **REMARKS**

Reconsideration of this application and the rejection of claims 1-4, 8-20 and 23-25 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Final Office Action dated December 7, 2005 (Paper No. 1105) and believes the application is now in condition for allowance, or alternatively, in better form for appeal. The claims have been amended to more clearly describe the present invention.

Claims 1-4, 14, 15, 20 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. (U.S. Pub. No. 2004/0246711) in view of Jensen et al. (U.S. Pub. No. 2003/0035291). Brenchley discloses a candle 250 having a void 260 for receiving a light attachment 266 having a light 270 and prongs 274. The void 262 is generally rectangular in shape, and the light attachment 266 is similarly shaped to fit within the void. (FIG. 5c). Jensen discloses a candle 10 having a body 12 with an enlarged lower cavity 38 holding a battery housing 36 containing two batteries 40, 42, a printed circuit board 44 and light source energization electronics 46. A light is positioned within cavity 38, outside of housing 36.

In contrast, claim 1 has been amended to incorporate features of canceled claim 10, and now recites, among other things, "the enclosed insert being of a cylindrical shape with a top end of a semi-hemispherical shape and a bottom

flat end planar with the flat bottom surface of the wax body...” Applicant submits that neither Brenchley nor Jensen, either alone or in combination, discloses or suggests all of the features recited in amended claim 1. Applicant further submits that there is no incentive or motivation to modify Brenchley as suggested by the Examiner. Specifically, Applicant submits that neither Brenchley nor Jensen, either alone or in combination, suggests or discloses an enclosed insert having a top end with a semi-hemispherical shape.

Claim 20 has been amended to incorporate features of claim 9 and canceled claims 24 and 25, and now recites, among other things, “the enclosed insert being of a cylindrical shape with a top end of a semi-hemispherical shape and a bottom flat end planar with the flat bottom surface of the wax body and including a replaceable door therein for providing access to the battery and light source; a light source contained within the enclosed insert positioned within the internal cavity for illuminating the wax body from within, the light source being a light emitting diode...” Applicant submits that neither Brenchley nor Jensen, either alone or in combination, suggests or discloses all of the features recited in amended claim 20. Further, Applicant submits that there is no incentive or motivation to modify Brenchley as suggested by the Examiner. Specifically, Applicant submits that neither reference, either alone or in combination, suggests or discloses an enclosed insert having a top end with a semi-hemispherical shape,

a replaceable door within the enclosed insert, and a light source that is a light emitting diode.

Accordingly, Applicant respectfully traverses the rejection of claims 1-4, 14, 15, 20 and 25 under 35 U.S.C. §103(a).

Claims 8 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. in view of Jensen et al. and further in view of Bonnema et al. (U.S. Pub. No. 2003/0067770). The arguments traversing Brenchley and Jensen are reasserted here.

Applicant submits that in view of the amendments and arguments made with respect to claims 1 and 20, from which claims 8 and 23 depend, claims 8 and 23 are in allowable form. Accordingly, Applicant respectfully traverses the rejection of claims 8 and 23 under 35 U.S.C. §103(a).

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. in view of Jensen et al. and Bonnema et al. and further in view of Lombardi (U.S. Pat. No. 3,994,502). The arguments traversing Brenchley and Jensen are restated here.

Applicant submits that in view of the amendments and arguments made with respect to claim 1, from which claim 9 depends, claim 9 is in allowable form. Accordingly, Applicant respectfully traverses the rejection of claim 9 under 35 U.S.C. §103(a).

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. in view of Jensen et al., Bonnema et al. and Lombardi, and further in view of McKinney (U.S. Pat. No. 6,669,352). The arguments traversing Brenchley and Jensen are resubmitted here. Claim 10 has been canceled, and accordingly, Applicant respectfully submits that the rejection of claim 10 under 35 U.S.C. §103(a) is moot.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. in view of Jensen et al., Bonnema et al., Lombardi and McKinney and further in view of Klein (U.S. Pat. No. 1,950,369). The arguments made above traversing Brenchley and Jensen are reasserted here. Bonnema discloses a suspended light source including a non-opaque windscreen member 64 configured for protecting a candle flame. (FIG. 2). Lombardi discloses a candle holder including a base 20 having a door 34 in a circular sidewall 36 of the base, the door configured for receiving batteries 32. (Col. 2, ll. 18-20). McKinney discloses a novelty lighting device 10 including an upper transparent, spherical dome portion 20 which extends about 270 degrees. (Col. 2, ll. 29-31). Klein discloses a flash light baton including a cap 25 having projections 29 that are configured for engaging recesses 24 on annular member 22, securing the cap to the annular member. (FIG. 3).

Applicant submits none of Brenchley, Jensen, Bonnema, Lombardi, McKinney or Klein, either alone or in combination, disclose or suggest all of the features recited in claim 11. Specifically, Applicant submits that none of the references, either alone or in combination, disclose or suggest a lip and tab locking system provided between the access hole of the candle and the door of the enclosed insert, as recited in claim 11 of the present invention. Further, Applicant submits that there is no incentive or motivation to modify Brenchley as suggested by the Examiner. Accordingly, Applicant respectfully traverses the rejection of claim 11 under 35 U.S.C. §103(a).

Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. in view of Jensen et al. and further in view of Lindner (U.S. Pat. No. 5,490,045). The arguments made above traversing Brenchley and Jensen are restated here.

Applicant submits that in view of the amendments and arguments made with respect to claim 1, from which claims 12 and 13 depend, claims 12 and 13 are in allowable form. Accordingly, Applicant respectfully traverses the rejection of claims 12 and 13 under 35 U.S.C. §103(a).

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. in view of Jensen et al. and further in view of Kitchen (U.S. Pub. No. 2003/0198045). The arguments made above traversing Brenchley and Jensen are resubmitted here.

Applicant submits that in view of the amendments and arguments made with respect to claim 1, from which claim 16 depends, claim 16 is in allowable form. Accordingly, Applicant respectfully traverses the rejection of claim 16 under 35 U.S.C. §103(a).

Claims 14 and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. in view of Jensen et al. and further in view of Moore (U.S. Pat. No. 6,688,752). The arguments made above traversing Brenchley and Jensen are reasserted here.

Applicant submits that in view of the amendments and arguments made with respect to claim 1, from which claims 14 and 17-19 depend, claims 14 and 17-19 are in allowable form. Accordingly, Applicant respectfully traverses the rejection of claims 14 and 17-19 under 35 U.S.C. §103(a).

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Brenchley et al. in view of Jensen et al. and Bonnema et al. and further in view of McKinney. The arguments made above with respect to Brenchley and Jensen are restated here. Claim 24 has been canceled, and accordingly, Applicant respectfully submits that the rejection of claim 24 under 35 U.S.C. §103(a) is moot.

In view of the above amendments, the application is respectfully submitted to be in allowable form, or alternatively, in better form for appeal. Allowance of the rejected claims is respectfully requested. Should the Examiner


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discover there are remaining issues which may be resolved by a telephone interview, she is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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